

IN SENATE OF THE UNITED STATES.

MAY 5, 1848.

Submitted, and ordered to be printed.

Mr. WESTCOTT made the following

REPORT:

[To accompany bill H. R., No. 237.]

*The Committee on Claims to which was referred House Bill No. 237, entitled "An act for the relief of John Morgan," report:*

That the claim is for the value of a horse said to be lost by the petitioner, without any neglect or fault on his part, while employed in the service of the United States, in riding express from Monterey to Victoria, in Mexico, in September, 1846. The bill passed by the House is *mandatory* to the Secretary of the Treasury to ascertain the value of the horse, and to pay the petitioner such value, and considers the loss of the horse under circumstances that render the United States justly liable for such value. In this respect the bill is variant from the report made by the Committee of Claims of the House, which recommends that the payment should be made only "*upon satisfactory proof being furnished that the horse was lost in the manner set forth, and without any fault of the owner, &c.*" Coinciding in the propriety of that report, it is proposed to amend the bill, first, by the substitution of the *Third Auditor* of the treasury, for the Secretary, as it is the *appropriate* duty of the *Auditor* to adjust this class of claims. 2d, by making the bill conform to the report in the particulars just stated. 3d, by limiting the amount paid to the *maximum* amount allowed for horses lost in the public service, as to which, reference is made to a former report, at this session, No. 39, from this committee, in the case of Don Carlos Buel, and the letter of Gen. Jesup annexed thereto. If so amended it is recommended that the bill do pass.

